

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SYMBOLOGY INNOVATIONS, LLC,

Plaintiff,

v.

VALVE CORPORATION, GEARBOX
SOFTWARE, L.L.C.,

Defendants.

§
§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 2:23-CV-00419-JRG

ORDER


Before the Court is the Motion of Defendant Gearbox Software, L.L.C. to Dismiss the Second Amended Complaint Under Rule 12(b)(6) for Failure to State a Claim (the “Motion to Dismiss”) filed by Defendant Gearbox Software, L.L.C. (“Gearbox”). (Dkt. No. 44). In the Motion to Dismiss, Gearbox seeks the dismissal of Plaintiff Symbology Innovations, LLC’s (“Plaintiff”) Second Amended Complaint (Dkt. No. 40). (Dkt. No. 44 at 1). Since the filing of the Motion to Dismiss, Plaintiff has filed a Third Amended Complaint. (Dkt. No. 52).

It is well established that a later-filed amended complaint moots a motion asking the Court to dismiss an earlier-filed complaint. *See Griffin v. Am. Zurich Ins. Co.*, 697 F. App’x 793, 797 (5th Cir. 2017) (“Once filed, that amended complaint rendered all earlier motions ... moot.”); *see also Bishop Display Tech LLC v. Samsung Elecs. Co., Ltd.*, No. 2:21-cv-00139-JRG, Dkt. No. 40 (E.D. Tex. Oct. 4, 2021) (“Once Plaintiff filed its amended complaint, the Motion became moot.”); *Ultravision Technologies, LLC v. Eaton Corp. PLC*, No. 2:19-CV-00290-JRG, 2019 WL 11250161, at *1 (E.D. Tex. Nov. 7, 2019) (“Accordingly, the filing of an amended complaint moots a motion to dismiss the original complaint.”).

Accordingly, the Court finds that the Motion to Dismiss (Dkt. No. 44) should be and hereby is **DENIED-AS-MOOT**.

So Ordered this

Jun 5, 2024



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE